

REMARKS/ARGUMENTS

1. The Examiner rejected claims 1, 5, 6, and 9 under 35 U.S.C. § 102(b) as being anticipated by Di Meo et al. (U.S. Patent No. 2,823,056). Claims 1 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nickel et al. (U.S. Patent No. 6,247,871). Claims 22 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wilk (U.S. Patent No. 4,236,688). Claims 2 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Meo et al. ("Di Meo"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Meo in view of Auteri (U.S. Patent No. 6,143,984). Claims 4, 10, 11, and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Meo in view of Ohms et al. (U.S. Patent No. 6,061,884). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nickel et al. ("Nickel"). Finally, the Examiner requested confirmation of Applicant's election to prosecute claims 1-18, 22 and 23 in response to a restriction requirement. Reconsideration of this application is respectfully requested in view of the amendments and/or remarks provided herein.

Restriction Requirement

2. The Examiner imposed a restriction requirement upon Applicant asserting that claims 1-18, 22 and 23 (Group I) are drawn to one invention, while claims 19-21 (Group II) are drawn to a different and distinct invention. In a telephone conference with the Examiner on September 30, 2004, the undersigned provisionally elected, with traverse, to prosecute the claims in Group I (i.e., claims 1-18, 22 and 23). The Examiner now requires that Applicant affirm the election of Group I.

Responsive to the Examiner's requirement, Applicant hereby affirms his election to prosecute the claims of Group I, without traverse and without disclaimer. Applicant has herein withdrawn claims 19-21 from consideration, subject to the right to refile same in a divisional application.

Rejections under 35 U.S.C. § 102(b)

3. Claims 1, 5, 6, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Di Meo. Applicant has herein amended claim 1 to more clearly distinguish the recitations of such claim over the disclosure of Di Meo. In particular, Applicant has more specifically claimed the mechanical structure of its cable tray to require the connector receiving member to be connected to a weight-bearing base portion of the cable support assembly and to further require the connector receiving member to include two parallel sections (e.g., wires) separated by a space and extending transversely across at least part of a width of the base portion of the cable support assembly, wherein the two parallel sections are arranged to receive at least a portion of a fastener in the space therebetween. Di Meo provides no comparable teaching or suggestion. Rather, Di Meo attaches his connector receiving members (i.e., lugs 26, 27) to the external surfaces of the tray sidewalls and inserts his fastener (28) through a center of each lug. Di Meo further provides no teaching or suggestion with respect to utilizing any connector receiving member in the base portion of the cable tray. Rather, Di Meo discloses the use of a fairing element (29) into which the base portions of adjacent trays are inserted to provide mechanical continuity between conjoined trays. Di Meo does not disclose or suggest that his fairing element (29) is adapted or arranged to receive any form of fastener.

As a result, claim 1, as amended, is not taught or suggested by Di Meo. Therefore, Applicant respectfully requests that claim 1, as amended, be passed to allowance.

Claims 5, 6, and 9 are dependent upon claim 1, which claim has been shown allowable above. Therefore, since claims 5, 6, and 9 each introduce additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that the recitations of claims 5, 6, and 9 are not disclosed or suggested by Di Meo. Additionally, claims 5, 6, and 9 have been amended to recite subject matter that is patentably distinct from the disclosure of Di Meo. For example, claim 6 adds the limitation of a loop member interconnecting common ends of the two parallel sections of the connector receiving element. Di Meo provides no comparable teaching or suggestion. Therefore, Applicant respectfully submits that claims 5, 6, and 9 are in proper condition for allowance.

4. Claims 1 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nickel. Applicant has herein amended claim 1 to more clearly distinguish the recitations of such claim over the disclosure of Nickel. In particular, as noted above, Applicant has more specifically claimed the mechanical structure of its cable tray to require the connector receiving member to be connected to a weight-bearing base portion of the cable support assembly and to further require the connector receiving member to include two parallel sections (e.g., wires) separated by a space and extending transversely across at least part of a width of the base portion of the cable support assembly, wherein the two parallel sections are arranged to receive at least a portion of a fastener in the space therebetween. Nickel provides no comparable teaching or suggestion. Rather, Nickel discloses a clip for joining two conventional cable trays (1). The clip (4) attaches to the transverse end wire (3) of each cable tray to either hold the two wires together or keep them aligned, but separated (*see, e.g.*, FIG. 13). None of the individual cable trays disclosed by Nickel includes *two* parallel sections arranged to receive a fastener. Instead, each of the cable trays disclosed by Nickel includes a single transverse end wire to which the clip attaches.

As a result, claim 1, as amended, is not taught or suggested by Nickel. Therefore, Applicant respectfully requests that claim 1, as amended, be passed to allowance.

Claim 7 is dependent upon claim 1, which claim has been shown allowable above. Therefore, since claim 7 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that the recitations of claim 7 are not disclosed or suggested by Nickel. Additionally, claim 7 has been amended to recite subject matter that is patentably distinct from the disclosure of Nickel. For example, claim 7, through its dependency upon claim 4, adds two connector receiving elements to the cable tray recited in claim 1. The connector receiving elements are connected proximate different open ends of the base portion of the cable support assembly and extend longitudinally beyond their respective open ends of the base portion. Nickel provides no comparable disclosure. Therefore, Applicant respectfully submits that claim 7 is in proper condition for allowance.

5. Claims 22 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wilk. Applicant has herein cancelled claims 22 and 23.

Rejections under 35 U.S.C. § 103(a)

6. Claims 2 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Meo. Claim 2 is dependent upon claim 1, which claim has been shown allowable above. Therefore, since claims 2 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that the recitations of claim 2 are not disclosed or suggested by Di Meo. Additionally, claim 2 has been amended to recite subject matter that is patentably distinct from the disclosure of Di Meo. For example, claim 2 requires that one or more of the two parallel sections of the connector receiving member includes insulated and electrically conductive portions, and that the electrically conductive portion is arranged to engage the fastener. Di Meo does not disclose or suggest that his lugs include both insulated and electrically conductive sections. Rather, Di Meo's lugs are metallic because they are welded to the sidewalls of the cable tray (*see* col. 2, lines 5-11). Therefore, Applicant respectfully submits that claim 2 is not taught or suggested by Di Meo and is in proper condition for allowance.

Regarding claim 12, Applicant has amended said claim to more clearly distinguish the recitations of such claim over the disclosure of Di Meo. In particular, claim 12 now recites a cable tray system that includes a first cable tray, a second cable tray, and a fastener. The first tray includes a connector receiving member positioned proximate an open end of the tray and formed from two parallel transverse wire sections separated by a space. The second tray includes a complementary connector receiving element formed from two longitudinal wire sections separated by a space and extending beyond an open end of the second tray, such that the spaces of the connector receiving member and the connector receiving element overlap when the two trays are positioned adjacent one another. The fastener is adapted to pass through the overlapping spaces of the connector receiving member and the connector receiving element to secure the parallel wire sections of the connector receiving member to the parallel wire sections of the connector receiving element. Di Meo provides no comparable teaching or suggestion. For instance, Di Meo's connector receiving devices (*i.e.*, lugs) do not include parallel wire sections

and both complementary mating lugs extend longitudinally beyond their trays' respective open ends. Therefore, Applicant respectfully requests that claim 12, as amended, be passed to allowance.

7. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Meo in view of Auteri. Claim 3 is dependent upon claim 1, which claim has been shown allowable above. Therefore, since claim 3 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that the recitations of claim 3 are not disclosed or suggested by Di Meo in view of Auteri. Additionally, claim 3 has been amended to recite subject matter that is patentably distinct from the disclosures of Di Meo and Auteri. For example, claim 3 requires the two parallel sections of the connector receiving member to include wires that are separated so as to receive and snugly engage a head of a carriage bolt such that the carriage bolt does not rotate during threading of a nut onto the bolt's shank. Neither Di Meo nor Auteri discloses or suggests the use of any comparable cable tray component because, *inter alia*, neither reference discloses or suggests the use of a carriage bolt to secure two trays together. Therefore, Applicant respectfully submits that claim 3 is in proper condition for allowance.

8. Claims 4, 10, 11, and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Di Meo in view of Ohms et al. ("Ohms"). Claims 4, 10, 11, and 13-18 are dependent upon claims 1 and 12, which claims have been shown allowable above. Therefore, since claims 4, 10, 11, and 13-18 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicant respectfully submits that the recitations of claims 4, 10, 11, and 13-18 are not disclosed or suggested by Di Meo or Ohms. Additionally, claims 4, 10, 11, and 13-18 have been amended to recite subject matter that is patentably distinct from the disclosures of Di Meo and Ohms. Therefore, Applicant respectfully submits that claims 4, 10, 11, and 13-18 are in proper condition for allowance.

9. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nickel. Claim 8 is dependent upon claim 1, which claim has been shown allowable above. Therefore, since claim 8 introduces additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicant respectfully submits that the recitations of claim 8 are not disclosed or suggested by Nickel. Therefore, Applicant respectfully submits that claim 8 is in proper condition for allowance.

Amendments to the Specification

10. Applicant has herein amended paragraphs 0046, 0061, and 0062 of the specification to correct minor informalities contained therein. No new matter has been added by such amendments.

Other Amendments to the Claims

11. Applicant has herein amended several of the claims to correct minor informalities therein, to broaden the claims in certain respects, and to make the text of dependent claims consistent with the amendments made to their respective base claims. Some of the dependent claims were also amended to recite disclosed, but previously unclaimed, subject matter. None of these amendments were intended to narrow the claims in any manner or were made for any purpose related to patentability. Applicant submits that all such claim amendments are fully supported by Applicant's originally filed specification.

New Claims

12. Applicant has herein added new claims 24-30 directed to additional features of the present invention. Applicant submits that such claims are fully supported by Applicant's originally filed specification and are patentably distinct from the prior art of record. Accordingly, Applicant requests that the Examiner pass new claims 24-30 to allowance. With the addition of claims 24-30, the withdrawal of claims 19-21, and the cancellation of claims 22 and 23, twenty-five claims remain pending in the present application, five of which are independent. Applicant had previously paid for examination of twenty-three claims, four of which were independent. Therefore, Applicant has added one extra independent claim and one

extra dependent claim. As a result, an additional fee of \$150.00 is due for examination of the two extra claims. Please charge such additional filing fee to the undersigned's Deposit Account No. 50-1111.

13. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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